IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 32776 of 2006(B)

OS.221/2003 of MUNSIFF COURT, ATTINGAL

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PETITIONER:

SARALA, AGED 54 YEARS,
D/O.PULLAN, CHARUVILLA PUTHEN VEEDU,
VALIYAKUNNU, KIZHUVILAM P.O., KIZHUVILAM VILLAGE,
CHIRAYINKIZHU TALUK, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SRI.DILEEP P.PILLAI
SMT.LAKSHMI.N.KAIMAL

RESPONDENTS:

SREEKUMAR, S/O.SREEDHARAN PILLAI,
VAISAKH BHAVAN, M.G.ROAD,
ATTINGAL, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH
SMT.A.K.PREETHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the notice dated 16.3.2005.

Ext.P2: True copy of the notice dated 26.8.2006.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.32776 OF 2006

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Dated this the 12th day of February 2007

JUDGMENT

The amount deposited by petitioner/judgment debtor is allowed to be withdrawn by the respondent/decree holder on application in that behalf made before the Execution Court.

The petitioner/judgment debtor has deposited the entire amount Rs.45,000/- and counsel for respondent/decree holder submits that the said amount having been allowed to be withdrawn, the decree holder is not interested in the property that is sold to him and that however to have the sale set aside the petitioner is liable to deposit the further interest, the sale commission and the cost of stamp paper that has been incurred by the decree holder to have the sale sannath drafted. The petitioner can deposit all such amounts due or pay such amounts to the respondent/decree holder to have the full satisfaction of the decree recorded and can move the execution court to have the sale set aside. With this direction this writ petition is disposed of.

K.P.BALACHANDRAN, JUDGE

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